

**RULES
OF
THE TENNESSEE STATE BOARD OF COSMETOLOGY**

**CHAPTER 0440-1
LICENSING**

TABLE OF CONTENTS

0440-1-.01	Requirements for School License	0440-1-.09	Examination Passing Scores
0440-1-.02	Change of School Ownership	0440-1-.10	Original License Fee
0440-1-.03	Curriculum	0440-1-.11	Teacher Training Program
0440-1-.04	High School Equivalents	0440-1-.12	Demonstrations
0440-1-.05	Requirements for Schools	0440-1-.13	Fees
0440-1-.06	Enrollment of Students	0440-1-.14	Civil Penalties
0440-1-.07	Students Kits		
0440-1-.08	Expiration of School Registration Renewal		

0440-1-.01 REQUIREMENTS FOR SCHOOL LICENSE.

- (1) The Board of Cosmetology (hereinafter the •Board) will not issue, reissue, or renew a license to operate a school of cosmetology unless the school is equipped with all workable equipment consisting of at least:
 - (a) one (1) work station with adjustable chair per student working on the clinic floor with a minimum of twenty (20) stations;
 - (b) five (5) shampoo basins, with hot and cold running water, adequately spaced;
 - (c) five (5) manicure tables;
 - (d) ten (10) floor-based, hooded dryers;
 - (e) ten (10) mannequins;
 - (f) one (1) straight chair in the theory classroom for each student attending the class;
 - (g) one (1) wet sterilizer at each student work station;
 - (h) one (1) enclosed storage area for clean towels;
 - (i) one (1) covered container for soiled towels;
 - (j) one (1) covered trash container maintained in a sanitary condition;
 - (k) dry sterilization at each student work station;
 - (l) ultra violet sanitizer;
 - (m) time sheet/time clock; and
 - (n) access to a minimum of two (2) restrooms.
- (2) A school of Cosmetology offering an aesthetics curriculum shall also be equipped with all workable equipment consisting of at least:
 - (a) sufficient facial steamers;

(Rule 0440-1-.01, continued)

- (b) one (1) suction machine;
- (c) one (1) galvanic machine;
- (d) one (1) magnifying lamp;
- (e) one (1) reclining facial chair;
- (f) one (1) electric brushing machine;
- (g) one (1) electric heating mask;
- (h) one (1) pair electric heating mitts;
- (i) one (1) sink which provides hot and cold running water other than the bathroom;
- (j) one (1) enclosed storage area for clean towels;
- (k) one (1) covered container for soiled towels;
- (l) one (1) high frequency instrument;
- (m) one (1) ultraviolet sanitizer;
- (n) one (1) covered trash container maintained in a sanitary condition; and
- (o) sufficient work area for each student.

(3) Requirements for Instructional Space

- (a) A school of cosmetology offering a manicuring curriculum shall also be equipped with adequate instructional space for manicuring so as not to compromise or disrupt the teaching of cosmetology curriculum prescribed in Rule 0440-1-.03.
- (b) A school of cosmetology offering a natural hair styling curriculum shall also be equipped with adequate instructional space for natural hair styling so as to not compromise or disrupt the teaching of cosmetology curriculum prescribed in Rule 0440-1-.03.
- (c) A school of cosmetology offering a shampooing curriculum shall also be equipped with adequate instructional space for shampooing so as to not compromise or disrupt the teaching of cosmetology curriculum prescribed in Rule 0440-1-.03.
- (d) A school of cosmetology offering an aesthetics curriculum shall also be equipped with adequate instructional space for aesthetics so as not to compromise or disrupt the teaching of cosmetology curriculum prescribed in Rule 0440-1-.03.

(4) Floor Plan

- (a) A proposed floor plan must be submitted to and approved by the Board before:
 - 1. issuance of a license to operate a new school of cosmetology;
 - 2. issuance of a license to operate a school of cosmetology whose ownership has changed;

(Rule 0440-1-.01, continued)

3. reissuance of a license to operate a relocated school of cosmetology;
- (b) where required under this paragraph, the floor plan shall provide for, and the school shall contain, at least 2200 square feet of instructional floor space, including an enclosed classroom for theory instruction.
- (5) New School
 - (a) A branch school shall be considered a new school and closed to the public for ninety (90) days, unless the school has students enrolled with the required two hundred (200) or more hours to perform cosmetology service on the public;

Authority: T.C.A. ••62-4-105(e) and 62-4-122. **Administrative History:** Original rule certified June 10, 1974. Repeal and new rule filed February 23, 1983; effective March 25, 1983. Amendment filed August 5, 1986; effective September 19, 1986. Amendment filed August 21, 1987; effective October 5, 1987. Amendment filed January 13, 1989; effective February 27, 1989. Amendment filed August 17, 1992; effective October 1, 1992. Repeal and new rule filed July 10, 1997; effective September 23, 1997.

0440-1-.02 CHANGE OF SCHOOL OWNERSHIP AND RELOCATION.

- (1) The Board shall be notified within ten (10) days of the effective date of any change in ownership or name of a school of cosmetology.
- (2) For purposes of T.C.A.•62-4-120(e) and this paragraph, any substantial addition to a school shall be deemed to constitute a relocation thereof;

Authority: T.C.A. ••62-4-105(e) and 62-4-120. **Administrative History:** Original rule certified June 10, 1974. Repeal and new rule filed February 23, 1983; effective March 25, 1983. Amendment filed August 21, 1987; effective October 5, 1987. Repeal and new rule filed July 10, 1997; effective September 23, 1997.

0440-1-.03 CURRICULUM.

- (1) The fifteen hundred (1,500) hours of instruction required of applicants for a license to practice cosmetology shall be apportioned as follows:
 - (a) General.....300 hours
Sterilization, sanitation and bacteriology, anatomy and physiology, shop ethics, personality and salesmanship, state law
 - (b) Chemical.....600 hours
Permanent waves, hair relaxer, hair coloring, bleaching and toning, sculptured nails, hair structure and chemistry
 - (c) Physical
Shampooing and rinses, hair and scalp care, hair shaping, hairdressing and styling, facials, arching, lash and brow tinting, manicures and pedicures
- (2) The six hundred (600) hours of instruction required of an applicant for a license to practice manicuring shall be apportioned as follows:
 - (a) General.....150 hours
Sterilization, sanitation, bacteriology, anatomy and physiology, state law, salon management, and ethics
 - (b) Chemical.....100 hours

- Product knowledge, ingredients and usage of materials, manicuring and pedicuring, EPA and OSHA requirements
- (c) Physical.....350 hours
Massage, manicuring, pedicuring, nail care, nail artistry, nail wraps, sculptured nails, nail tips, gel nails, and nail safety
- (3) The seven hundred fifty (750) hours of instruction required of an applicant for a license to practice aesthetics shall be apportioned as follows:
- (a) General.....150 hours
Sterilization, sanitation and bacteriology, professional ethics, personality, and salesmanship, anatomy and physiology, state law
- (b) Chemical.....150 hours
Skin conditions and disorders, nutrition, aging factors, product ingredients and usage, waxing lash and brow tinting, OSHA and EPA requirements
- (c) Physical.....450 hours
Massage movements and manipulations, masks and packs, facial treatment with and without the use of machines, skin analysis and consultation, application of all products and machines, color psychology, make-up and corrective make-up arching
- (4) The three hundred (300) hours of instruction required of an applicant for a license to practice shampooing shall be apportioned as follows:
- (a) General.....100 hours
Sanitation, sterilization, bacteriology, anatomy, physiology, state law, shampooing and draping, hair and scalp massage
- (b) Chemical.....50 hours
Chemistry and composition of shampoos, and conditioners, product knowledge, EPA and OSHA requirements
- (c) Physical.....150 hours
Hair and scalp massage, hair and scalp care, shampooing and rinsing foreign material from hair, shop management (answering phone, scheduling appointments, ordering supplies, taking inventory, and selling to clients.)
- (5) The three hundred (300) hours of instruction required of an applicant for a natural hair stylist license shall be apportioned as follows:
- (a) General.....120 hours
Sanitation, sterilization, bacteriology, shampooing, draping, disorders of hair and scalp, state law and salon management
- (b) Physical.....180 hours
Twisting, wrapping, weaving, extending, locking, braiding and natural hair styling, by hand or mechanical appliances

- (6) The three hundred (300) hours of instruction required of applicants for an instructor's license shall include no less than a total of one hundred (100) hours in lesson planning and motivation.
- (7) To the extent that the prescribed curricula for courses of instruction are substantially similar, the Board may allow hours of credit accumulated by a student to be transferred from one course of instruction to another. However, only general hours are transferable.
 - (a) Any person holding a valid Tennessee barber license will be given credit for seven hundred fifty (750) hours toward a Tennessee cosmetology license
 - (b) In order to be eligible for the above credit, a barber must be enrolled in a cosmetology school full time, a minimum of six (6) hours, a maximum of eight (8) hours per day. After the student has completed the first seven hundred fifty (750) hours in a cosmetology school, the Board may apply the second seven hundred fifty (750) hours for the purpose of graduating and being permitted to take the cosmetology examination.

Authority: T.C.A. • •62-4-102, 62-4-105(e), 62-4-110 and 62-4-122. **Administrative History:** Original rule certified June 10, 1974. Repeal and new rule filed February 23, 1983; effective March 25, 1983. Amendment filed August 21, 1987; effective October 5, 1987. Amendment filed January 13, 1989; effective February 27, 1989. Repeal and new rule filed July 10, 1997; effective September 23, 1997.

0440-1-.04 HIGH SCHOOL EQUIVALENTS.

- (1) For the purpose of determining eligibility for enrollment in a school of cosmetology, an applicant must have completed and passed at least two (2) years of high school or obtained a score of at least thirty-eight (38) on a General Educational Development test.
- (2) Public and vocational schools are exempt. However, the completion of at least two (2) years of high school or obtaining a score of at least thirty-eight (38) on a General Educational Development test must be met prior to the completion of a cosmetology curriculum.

Authority: T.C.A. • •62-4-105(e) and 62-4-122. **Administrative History:** Original rule certified June 10, 1974. Repeal and new rule filed February 23, 1983; effective March 25, 1983. Repeal and new rule filed July 10, 1997; effective September 23, 1997.

0440-1-.05 REQUIREMENTS FOR SCHOOLS. Every school of cosmetology shall:

- (1) Publish readily available and clearly expressed admission policies and requirements;
- (2) Provide to prospective students (before enrollment) published materials which explain requirements for licensure as a cosmetologist, manicurist, instructor, shampoo technician, natural hair stylist, or aesthetician in the State of Tennessee;
- (3) Give a receipt to any student from whom money is collected by authorized school personnel; and
- (4) Submit to the office of the Board, on the prescribed form, a monthly progress report on each student enrolled. The monthly reports must be received no later than the tenth (10th) of each month for the previous month's hours of instruction. If reports are not submitted by this date, a penalty set by the Board will be issued for violation of this rule.

Authority: T.C.A. • •62-4-105(e) and 62-4-122(h)(2). **Administrative History:** Original rule certified June 10, 1974. Repeal and new rule filed February 23, 1983; effective March 25, 1983. Amendment filed August 21, 1987; effective October 5, 1987. Amendment filed January 13, 1989; effective February 27, 1989. Repeal and new rule filed July 10, 1997; effective September 23, 1997.

ENROLLMENT OF STUDENTS.

- (1) Every school of cosmetology shall maintain documentation of age and education in each student's file which evidences eligibility for enrollment under the terms of T.C.A. •62-4-122(a).
- (2) Every enrollment of a student in a school of cosmetology shall be evidenced by a written enrollment agreement which clearly details the rights and obligations of both parties.
- (3) The school shall:
 - (a) furnish to the student an executed copy of the enrollment agreement; and
 - (b) maintain a copy of the agreement in the student's file.
- (4) Every student enrollment agreement shall:
 - (a) be signed and dated by the student and an authorized representative of the school;
 - (b) specify the number of clock hours in the course of instruction and an approximate number of weeks or months required for completion;
 - (c) identify all costs and charges which the student must bear;
 - (d) indicate any grounds for termination of a student by the school;
 - (e) state in clear and understandable language the school's refund policy;
 - (f) list any special conditions or requirements for graduation; and
 - (g) contain an acknowledgment that the student has read and understands the agreement before making any payment thereunder.
- (5) All documentation and enrollment agreements required under this rule shall be available for inspection by members or inspectors of the Board during business hours.

Authority: T.C.A. • •62-4-105(e) and 62-4-120. **Administrative History:** Original rule certified June 10, 1974. Repeal and new rule filed February 23, 1983; effective March 25, 1983. Amendment filed August 21, 1987; effective October 5, 1987. Repeal and new rule filed July 10, 1997; effective September 23, 1997.

0440-1-.07 STUDENT KITS.

- (1) Each student, with school assistance, shall be required to have a kit consisting of the following materials, for a course in cosmetology after two hundred (200) hours of enrollment.
 - (a) six (6) brushes
 - (b) four (4) combs
 - (c) one (1) pair cutting shears, thinning shears and a razor
 - (d) one (1) box of roller clips
 - (e) one (1) box clips

(Rule 0440-1-.07, continued)

- (f) three (3) butterfly clips
 - (g) six (6) duckbill clips
 - (h) six (6) dozen small to medium rollers
 - (i) one (1) theory book
 - (j) one (1) workbook
 - (k) one (1) pair nippers
 - (l) three (3) orangewood sticks
 - (m) one (1) box emery boards
 - (n) one (1) cuticle pusher
 - (o) one (1) finger bowl
 - (p) one (1) cape
 - (q) one (1) file
 - (r) one (1) nail brush
 - (s) one (1) mannequin
 - (t) one (1) polish kit
 - (u) cosmetology law book
 - (v) disposable gloves
 - (w) disposable caps
- (2) Each student, with school assistance, shall be required to have a kit consisting of the following materials, for a course in manicuring after one hundred (100) hours of enrollment:
- (a) one (1) theory book
 - (b) one (1) workbook
 - (c) one (1) pair nippers
 - (d) three (3) orangewood sticks
 - (e) one (1) box emery boards
 - (f) one (1) cuticle pusher
 - (g) one (1) finger bowl

(Rule 0440-1-.07, continued)

- (h) one (1) file
 - (i) one (1) nail brush
 - (j) one (1) polish kit
 - (k) one (1) hand form and holder
 - (l) one (1) wet sanitizer
 - (m) one (1) tweezer
 - (n) one (1) pair manicure scissors
 - (o) nail glue
 - (p) supplies for nail wraps
 - (q) supplies for sculptured nails
 - (r) goggles
 - (s) cosmetology law book
- (3) Each student, with school assistance, shall be required to have a kit consisting of the following materials, for a course in aesthetics after one hundred fifty (150) hours of enrollment:
- (a) one (1) theory book
 - (b) one (1) workbook
 - (c) one (1) package cotton swabs
 - (d) one (1) roll of cotton
 - (e) one (1) box tissues
 - (f) three (3) spatulas
 - (g) two (2) sterilizer jars
 - (h) one (1) tweezer
 - (i) one (1) make-up kit
 - (j) one (1) set of make-up brushes
 - (k) two (2) head covers
 - (l) one (1) set of skin care treatment products to include one (1) container each: cleansing cream, astringent, massage cream, night cream, moisturizer, all-purpose masque

(Rule 0440-1-.07, continued)

- (m) three (3) towels
 - (n) one (1) shoulder cape
 - (o) one (1) bottle alcohol
 - (p) one (1) pair rubber gloves
 - (q) two (2) cups
 - (r) two (2) small bowls
 - (s) two (2) disposable bags
 - (t) cosmetology law book
- (4) Each student, with school assistance, shall be required to have a kit consisting of the following materials, for a course in shampooing after fifty (50) hours of enrollment.
- (a) one (1) theory book
 - (b) one (1) workbook
 - (c) one (1) shampoo kit
 - (d) one (1) mannequin
 - (e) one (1) cape
 - (f) massage cream
 - (g) cosmetology law book
- (5) Each student, with school assistance, shall be required to have a kit consisting of the following materials, for a course in natural hair styling after fifty (50) hours of enrollment:
- (a) one (1) theory book
 - (b) one (1) workbook
 - (c) two (2) mannequins (ethnic hair)
 - (d) one (1) bale of hair, • pound or more
 - (e) four (4) combs
 - (f) one (1) cape (not plastic)
 - (g) one (1) plastic pick
 - (h) pillow

(Rule 0440-1-.07, continued)

- (i) oil sheen or holding spray
 - (j) scissors (to cut synthetic hair)
 - (k) stool
 - (l) thread
 - (m) needle (tapestry)
 - (n) cosmetology law book
- (6) It shall be the responsibility of the student to maintain all materials in the kits furnished pursuant to this rule.
- (7) Schools shall have rubber gloves and safety goggles available to all students.

Authority: T.C.A. • •62-4-105(e). **Administrative History:** Original rule certified June 10, 1974. Repeal and new rule filed February 3, 1983; effective March 25, 1983. Amendment filed February 21, 1986; effective March 23, 1986. Amendment filed January 13, 1989; effective February 13, 1989. Amendment filed August 17, 1992; effective October 1, 1992. Repeal and new rule filed July 10, 1997; effective September 23, 1997.

0440-1-.08 EXPIRATION OF SCHOOL REGISTRATION RENEWAL.

- (1) At least thirty (30) days in advance of the expiration date of a license to conduct a school of cosmetology, the Board office shall notify the holder of the impending expiration and the fee for renewal of such certificate.

Authority: T.C.A. • •62-4-105(e) and 62-4-121. **Administrative History:** Original rule filed February 21, 1986; effective March 23, 1986. Repeal and new rule filed July 10, 1997; effective September 23, 1997.

0440-1-.09 EXMINATION PASSING SCORES AND SCHOOL ATTENDANCE RATIO.

- (1) The minimum passing scores on all examinations held by the board shall be seventy-five percent (75%)
- (2) The school a student attends for sixty percent (60%) or the greatest percentage of hours will be the school responsible for the pass/fail ratio.

Authority: T.C.A. • •62-4-105 (e). **Administrative History:** Original rule certified June 10, 1974. Repeal and new rule filed February 23, 1983; effective march 25, 1983. Amendment filed February 21, 1986; effective March 23, 1986. Amendment filed August 5, 1986; effective September 19, 1986. Amendment filed August 17, 1992; effective October 1, 1992. Repeal and new rule filed July 10, 1997; effective September 23, 1997.

0440-1-.10 ORIGINAL LICENSE FEE.

- (1) If the fee for an original license as a cosmetologist, manicurist, shampoo technician, natural hair stylist, aesthetician or instructor is not paid within six (6) months after the applicant is notified that he or she has passed the examination, then such applicant must submit a new application for examination and be retested. For good cause shown, this provision may be waived by the Board.
- (2) To activate a retired license:

(Rule 0440-1-.10, continued)

- (a) a licensee sixty-five (65) years of age or older may activate a retired license by submitting proof of age, along with payment for the license;
- (b) a licensee under the age of sixty-five (65) will be required to retake and pass the practical and law portions of the examination, before paying for the license.

Authority: T.C.A. •62-4-105(e). **Administrative History:** Original rule certified June 10, 1974. Repeal and new rule filed February 23, 1983; effective March 25, 1983. Amendment filed February 21, 1986; effective March 23, 1986. Amendment filed August 5, 1986; effective September 19, 1986. Amendment filed August 21, 1987; effective October 5, 1987. Amendment filed January 13, 1989; effective February 13, 1989. Amendment filed August 17, 1992; effective October 1, 1992. Repeal and new rule filed July 10, 1997; effective September 23, 1997.

0440-1-.11 TEACHER TRAINING PROGRAMS.

- (1) An application for approval of a teacher training program in cosmetology shall include:
 - (a) a summary of the education and experience of each instructor for the program;
 - (b) the scheduled dates of the program; and
 - (c) the proposed curriculum of the program.
- (2) The applicant shall demonstrate to the satisfaction of the Board that the teacher training program submitted for approval will:
 - (a) contain at least twenty-four (24) hours of actual instruction;
 - (b) emphasize teaching methodology for its entire duration;
 - (c) restrict the size of classes sufficiently to ensure adequate attention to all participants;
 - (d) proceed for not more than two (2) hours without a break; and
 - (e) prohibit demonstrations or presentations for commercial purposes in classrooms. Training programs may not sell, take orders, or in any way promote a product.
- (3) Promptly after the completion of a teacher training program approved by the Board, the sponsor shall send to the Board a roster showing the names, social security number and I.D. number of the persons who attended the program and the number of hours that such persons completed.
- (4) The sponsor shall provide an opportunity for the attendees to evaluate each class and the overall program. The original evaluations shall be forwarded to the office of the Board.

Authority: T.C.A. • •62-4-105(e) and 62-4-114. **Administrative History:** Original rule certified June 10, 1974. Repeal and new rule filed February 23, 1983; effective March 25, 1983. Amendment filed February 21, 1986; effective March 23, 1986. Amendment filed August 21, 1987; effective October 5, 1987. Amendment filed January 13, 1989; effective February 27, 1989. Repeal and new rule filed July 10, 1997; effective September 23, 1997.

DEMONSTRATIONS.

- (1) Any person who does not hold a valid license as a cosmetologist, manicurist, aesthetician, shampoo technician, natural hair stylist or cosmetology instructor may not demonstrate any teaching practice of cosmetology in a shop or school.

Authority: T.C.A. • •62-4-105(e) and 62-4-108. **Administrative History:** Original rule certified June 10, 1974. Repeal and new rule filed February 23, 1983; effective March 25, 1983. Amendment filed February 21, 1986; effective March 23, 1986. Amendment filed August 21, 1987; effective October 5, 1987. Repeal and new rule filed July 10, 1997; effective September 23, 1997.

0440-1-.13 FEES.

- (1) Application/examination
 - (a) Cosmetologist.....set by contractor
 - (b) Manicurist.....set by contractor
 - (c) Instructor.....set by contractor
 - (d) Aesthetician.....set by contractor
 - (e) Shampoo Technicianset by contractor
 - (f) Natural Hair Stylist.....set by contractor
- (2) Original License
 - (a) Cosmetologist.....twenty-four dollars (\$24.00)
 - (b) Manicuristtwenty-four dollars (\$24.00)
 - (c) Instructor.....forty dollars (\$40.00)
 - (d) Aesthetician.....twenty-four dollars (\$24.00)
 - (e) Shampoo Technician.....twenty-four dollars (\$24.00)
 - (f) Natural Hair Stylist.....twenty-four dollars (\$24.00)
- (3) Renewal
 - (a) Cosmetologistfifty dollars (\$50.00)
 - (b) Manicuristfifty dollars (\$50.00)
 - (c) Instructorsixty dollars (\$60.00)
 - (d) Aesthetician.....fifty dollars (\$50.00)
 - (e) Shampoo Technician.....fifty dollars (\$50.00)
 - (f) Natural Hair Stylist.....fifty dollars (\$50.00)
 - (g) Shampoo/Manicurist.....fifty dollars (\$50.00)
- (4) Penalty for late renewal
 - (a) Cosmetologist, manicurist, instructor, aesthetician, shampoo technician, and natural hair stylist . .twenty-five dollars (\$25.00)
- (5) Cosmetology, manicure, skin care, natural hair stylist or manicure/skin care shops
 - (a) Inspection (new shop, relocated shop, shop with change of ownership).....twenty-five dollars (\$25.00)

- (b) License
 - new shop.....fifty dollars (\$50.00)
 - relocated shop.....fifty dollars (\$50.00)
 - change of ownership.....fifty dollars (\$50.00)
 - (c) Renewal.....fifty dollars (\$50.00)
 - (d) Penalty for late renewal.....fifty dollars (\$50.00)
 - (e) Change of name only.....ten dollars (\$10.00)
 - (f) Change of ownership due to death of immediate family, no charge, with a copy of the death certificate or obituary.
- (6) School
- (a) Application/license (new school).....three hundred dollars (\$300.00)
 - (b) License for relocated or change of ownership for a school.....one hundred seventy-five dollars (\$175.00)
- (7) Replacement or correction of license
- (a) Lost, misplaced or mutilated license.....ten dollars (\$10.00)
 - (b) Change of name by any cosmetologist, aesthetician, manicurist, instructor, shampoo technician, natural hair stylist or shampoo/manicurist.....ten dollars (\$10.00)
 - (c) Certification for licensee.....fifteen dollars (\$15.00) each.
 - 1. Fee should be sent with:
 - (i) written request for certification
 - (ii) I.D. number
 - (d) Student certification of hours.....fifteen dollars (\$15.00) each.
 - 1. Fee should be sent with:
 - (i) certification request form
 - (ii) completion/withdrawal form (unless previously submitted)
- (8) Surcharge to issue manicurist license to former shampoo/manicurist pursuant to T.C.A. •62-4-131(c).....twenty-five dollars (\$25.00)
- (9) Reciprocity.....fifty dollars (\$50.00)
- (10) In the event that any check, draft or order for the payment of a fee to the Board of Cosmetology is returned because of insufficient funds, only cash, certified check or money order will be accepted for the amount due, plus twenty dollars (\$20.00) additional fee.

Authority: T.C.A. •• 62-4-105(e), 62-4-110, 62-4-112, 62-4-115, 62-4-117, 62-4-118, 62-4-120 and 62-4-131.
Administrative History: Original rule certified June 10, 1974. Repeal and new rule filed February 23, 1983, effective March 25, 1983. Repeal filed February 21, 1986. Repeal and new rule filed July 10, 1997; effective September 23, 1997.

0440-1-.14 CIVIL PENALTIES.

- (1) The Tennessee State Board of Cosmetology may, in a lawful proceeding with respect to any person licensed or required to be licensed, in addition to or in lieu of any other lawful disciplinary action, assess civil penalties for violation of statutes, rules or orders enforceable by the Board in accordance with the following schedule:

Violation	Penalty
T.C.A. •62-4-127(b)(1)	\$0 -\$1000
T.C.A. •62-4-127(b)(2)	\$0 -\$1000
T.C.A. •62-4-127(b)(3)	\$0 -\$1000
T.C.A. •62-4-127(b)(4)	\$0 -\$1000
T.C.A. •62-4-127(b)(5)	\$0 -\$1000
T.C.A. •62-4-127(b)(6)	\$0 -\$1000
T.C.A. •62-4-127(b)(7)	\$0 -\$1000
T.C.A. •62-4-127(b)(8)	\$0 -\$1000
T.C.A. •62-4-127(b)(9)	\$0 -\$1000
T.C.A. •62-4-127(b)(10)	\$0 -\$1000

- (2) With respect to any person required to be registered in this state as a cosmetologist, manicurist, aesthetician, shampoo technician or natural hair stylist, the Board may assess a civil penalty against such person for each separate violation of a statute in accordance with the following schedule:

Violation	Penalty
T.C.A. •62-4-108	\$0 - \$1000
T.C.A. •62-4-118	\$0 - \$1000
T.C.A. •62-4-120	\$0 - \$1000

- (3) In determining the amount of any penalty to be assessed pursuant to this rule, the Board may consider such factors as the following:
- (a) willingness of the violation;
 - (b) repetitions of the violation;
 - (c) magnitude of the risk or harm caused by the violation; and
 - (d) extent to which the licensee has sought to compensate any victim(s) of the violation.
- (4) Any owner, manager, or cosmetologist requesting an individual, with a shampoo license only, to perform any services other than those listed for shampooing will be subject to a five hundred dollar (\$500.00) penalty.

(Rule 0440-1-.14, continued)

Authority: T.C.A. •56-1-308 and 62-4-105(e). **Administrative History:** Original rule filed June 10, 1974; Repeal and new rule filed February 23, 1983; effective March 25, 1983. Amendment filed February 21, 1986; effective March 23, 1986. Amendment filed July 14 1989; effective August 28, 1989. Amendment filed May 1, 1991; effective June 15, 1991. Amendment filed August 17, 1992; effective October 1, 1992. Repeal and new rule filed July 10, 1997.